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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/734,979   | 12/15/2003  | Donald H. Campbell   | IN-5567             | 1319             |
| 26922  | 7590        | 03/02/2005           | EXAMINER            |                  |
| BASF CORPORATION<br>ANNE GERRY SABOURIN<br>26701 TELEGRAPH ROAD<br>SOUTHFIELD, MI 48034-2442 |             |                      | TUROCY, DAVID P     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 1762                |                  |

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/734,979

**Applicant(s)**

CAMPBELL ET AL.

**Examiner**

David Turocy

**Art Unit**

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/15/2003</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Publication 2001/0039324 by Sadvary et al ("Sadvary").

\*\*\* Please note Sadvary incorporates by reference the subject matter disclosed in US Patent 5084541 by Jacobs, III et al ("Jacobs") (Sadvary Paragraph 0048)\*\*\*

Claims 1-3, 5, and 12: Sadvary teaches a film forming composition having an improved scratch resistance comprising one or more curing agents having reactive functional groups (Paragraph 0041). Sadvary discloses the curing agents include aminoplasts, isocyanates, and triazines (paragraph 0041). Sadvary teaches using a tricarbamoyl triazine or an oligomer thereof as a curing agent wherein the X is preferably oxygen and R is selected from 1 to 12 carbons in a straight chain, branched chain, alicyclic, or aromatic (See Jacobs, Column 5, lines 4-15). Sadvary discloses a

triazine with an R groups containing 8 carbons (See Jacobs, example 5). Sadvary discloses spraying the thermosetting composition onto the substrate (paragraph 0089).

Claim 4: Sadvary discloses R may be selected from an alcohol, which comprises an oxygen atom (See Jacobs Column 5, lines 11-20).

Claim 6: Sadvary discloses higher isocyanate such as isocyanurates are useful as curing agents (paragraph 0046).

Claim 7: Sadvary discloses R may be selected from a hexyl, octyl, 2-ethylhexyl, or any one to 12 carbon alkyls (See Jacobs, Column 5, lines 11-20).

Claim 8: Sadvary discloses the thermosetting composition as a clear-coat (Paragraph 0089).

Claims 9 and 10: Sadvary discloses a transparent topcoat composition further comprising isocyanate and hydroxyl functional material (Paragraph 0053).

Claim 11: Sadvary discloses a hydroxyl function polymer and oligomers include acrylic, polyesters, and polyurethanes (Paragraph 0054-55).

Claim 13: Sadvary discloses including the triazine curing agent in amounts of 1 to 20 percent by weight based on the total resin weight of the film-forming composition (Paragraph 0048).

Claim 14: Sadvary discloses coating an automotive vehicle (Paragraph 0003).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-

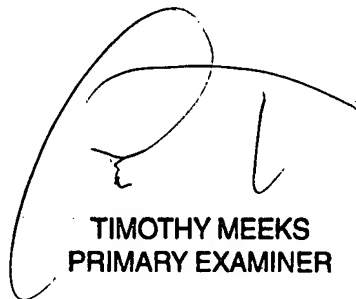
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2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy  
AU 1762



TIMOTHY MEEKS  
PRIMARY EXAMINER